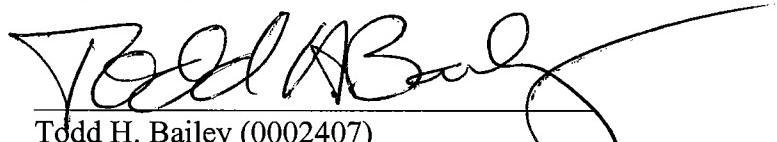


**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

JACK GUTTMAN, INC. ) Case No.: C-1-01-800  
 )  
 Plaintiff, ) (Judge Dlott)  
 )  
 v. )  
 )  
 KOPYKAKE ENTERPRISES, INC., ) **DEFENDANTS' MOTION TO  
 Defendant. ) EXTEND TIME TO RESPOND  
 ) TO FIRST AMENDED COMPLAINT  
 ) UP TO AND INCLUDING  
 ) NOVEMBER 17, 2003**

Now comes Defendant Kopykake Enterprises, Inc., by and through counsel, and pursuant to S.D. Ohio Rule 7.3(a) respectfully requests an extension of time from November 10, 2003 up to and including November 17, 2003 to file its response to the First Amended Complaint. Defendant's counsel has consulted with Plaintiff's counsel regarding this extension. Plaintiff's counsel has stated that they will not oppose this request by Defendant for the extension of time. An Order granting the requested extension is proffered with this Motion.

Respectfully submitted,



Todd H. Bailey (0002407)  
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(513) 455-7637 / Telecopy (513) 762-7937

Trial Attorney for Kopykake, Inc.

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and accurate copy of the foregoing "Defendant's Motion to Extend Time to Respond to First Amended Complaint Up To and Including November 17, 2003" was served upon Theodore R. Remaklus, Wood, Herron & Evans, LLP, 2700 Carew Tower, 441 Vine Street, Cincinnati, Ohio 45202-2917, counsel for Plaintiff by ordinary U.S. Mail, return receipt requested, this 5<sup>th</sup> day of November, 2003.

A handwritten signature in black ink, appearing to read "Theodore R. Remaklus", is written over a horizontal line. The signature is fluid and cursive, with a large, sweeping flourish at the end.